



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

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October 19, 2004

Sent Via Fax

Robert J. Smith
Senior Trial Attorney
Department of the Navy Litigation Office
Office of the General Counsel
720 Kennon Street, SE
Washington Navy Yard, DC 20374-5013

Re: Oahu Sugar Site - Pearl Harbor Naval Complex Superfund Site
Waipio Peninsula, Oahu, Hawaii

Dear Mr. Smith:

As you know, the Waipio Peninsula portion of the Pearl Harbor Naval Complex National Priorities List ("NPL") Superfund City ("PHNC") includes a dioxin-contaminated area previously operated by the Oahu Sugar Company, LLC, as a pesticide mixing area (hereinafter, the "Oahu Sugar Site"). Sampling results from 1997 show dioxin contamination in soil at the Oahu Sugar Site as high as 1,530 parts per billion ("ppb") for 2,3,7,8-tetrachlorodibenzo-para-dioxin (2,3,7,8 TCDD) toxicity equivalents ("TEQ"), as well as detection of pentachlorophenol, a widely used pesticide and wood preservative, at levels between 8.4 – 35 parts per million ("ppm"). These findings exceed the U.S. Environmental Protection Agency, Region 9 ("EPA"), Preliminary Remediation Goal ("PRG") for both dioxin and pentachlorophenol.

As explained in prior correspondence between EPA and the U.S. Department of the Navy, Pacific Division, Naval Facilities Engineering Command, EPA is very concerned that the dioxin- and pesticide-contaminated soil at the Oahu Sugar Site presents an imminent and substantial endangerment to the public health, welfare, or the environment. EPA is therefore planning to use its authority under Executive Order 12580 and Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9606, to compel the Oahu Sugar Company, LLC, to immediately remediate the danger posed by the contamination at the Oahu Sugar Site.


If you have any questions or concerns about this matter, please contact me at (415) 972-3928 or let.moore@juno.com.

Sincerely,

Letitia D. Moore
Assistant Regional Counsel

cc: L. Mitani (SFD-8-3)

FAX TRANSMISSION

TO	NAME : ROBERT J. SMITH			
	ORGANIZATION : Navy Litigation, Environmental Law Section			
	MAIL STOP : DOD DON OGC Navy Litigation			
	FAX NO. :	AREA CODE 202	NUMBER 685-7036	
	VERIFICATION NO. :	AREA CODE 202	NUMBER 685-7023	
FROM	NAME : Letitia D. Moore Assistant Regional Counsel			
		Office of Regional Counsel U.S. Environmental Protection Agency, Region 9 75 Hawthorne Street San Francisco, CA 94105		
		BRANCH : Hazardous Waste		
		MAIL STOP : ORC-3		
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SUBJECT	OAHU SUGAR SITE -- PEARL HARBOR			
NOTE				

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